

Tom Horne
Superintendent

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ARIZONA DEPARTMENT OF EDUCATION

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HORNE REFILES LAWSUIT AGAINST FEDERAL GOVERNMENT

PHOENIX (Monday, June 23, 2008) –Tom Horne, State Superintendent of Schools, Friday refilled a lawsuit against the federal government regarding treatment of English Language Learners in No Child Left Behind. Previously, the lawsuit was dismissed on the grounds that the complaint had first to be made to the Secretary of Education, asking her to change the previous rulings. That has been done. The Secretary did not change her mind, and the lawsuit is ready to proceed.

The suit alleges that when Arizona entered into No Child Left Behind in 2003, an agreement was made that schools would have three years to teach students English before their AIMS scores would count in the accountability program. Later, the federal government reneged on the agreement, and required students to pass AIMS in English after only one year.

"Representatives of the federal government admitted to me that there is no scientific basis for the idea that students new to this country can learn enough English in one year to pass the AIMS tests in English. This reneging by the federal government is without justification and is arbitrary, capricious, and an abuse of discretion," Horne stated.

"Seventy-eight schools which would otherwise have made adequate yearly progress under No Child Left Behind, failed to do so just because of this injustice," Horne added.

A copy of the Complaint is attached.

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